

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FIAZ KHAN,

No. 4:20-CV-1034

Plaintiff,

(Judge Brann)

v.

(Magistrate Judge Carlson)

ANGELA HOOVER, *et al.*,

Defendants.

ORDER

SEPTEMBER 22, 2020

Plaintiff, challenging the conditions of his confinement, filed the instant action on June 19, 2020.¹ The instant action was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”² Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.³

On July 29, 2020, Magistrate Judge Martin C. Carlson, to whom this matter is jointly assigned, issued a thorough report and recommendation. Magistrate Judge Carlson recommended that Plaintiff’s complaint be dismissed because Plaintiff had not complied with a previous case management order designed to

¹ See Doc. 1.

² 28 U.S.C. 636(b)(1)(B).

³ 28 U.S.C. 636(b)(1).

manage the initial version of this lawsuit, which consisted of “eccentric and inappropriate filings.”⁴ As Magistrate Judge Carlson put it, the case management order, issued on June 23, 2020, was “designed to create some measure of order out of this chaos.”⁵ Plaintiff has not complied with the case management order. Magistrate Judge Carlson therefore recommended dismissal “without prejudice to renewal if the plaintiff complies with this court’s order.”⁶

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”⁷ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁸

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

⁴ See Doc. 6 at 3.

⁵ *Id.*

⁶ Doc. 6 at 11.

⁷ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁸ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Martin C. Carlson's July 29, 2020 Report and Recommendation, Doc. 6, is **ADOPTED in full**.
2. Plaintiff's Complaint, Doc. 1, is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff may renew his Complaint if Plaintiff complies with this Court's previous case management order that was entered on June 23, 2020.⁹
4. The Clerk of Court is directed to close the case file.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

⁹ The Court notes that Magistrate Judge Carlson's Report and Recommendation was sent to Plaintiff but was returned as undeliverable. *See* Doc. 7. This indicates that Plaintiff's complaint may now be moot, as Plaintiff may have been released from the confinement that he was challenging.